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# AN APPEAL

TO THE SENATE,  
TO MODIFY ITS POLICY, AND SAVE FROM AFRICANIZATION AND MILITARY  
DESPOTISM THE STATES OF THE SOUTH.

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## SPEECH

OF

HON. JAMES R. DOOLITTLE,  
OF WISCONSIN,

Delivered in the Senate of the United States, January 23, 1868.

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SPEECHES OF HON. HENRY STANBERY,

ATTORNEY GENERAL OF THE UNITED STATES,

AND

HON. J. S. BLACK,

AT THE

GREAT DEMOCRATIC BANQUET IN THE CITY OF  
WASHINGTON,

ON THE EIGHTH OF JANUARY, 1868.

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WASHINGTON, D. C.:

PRINTED BY ORDER OF THE CONGRESSIONAL DEMOCRATIC EXECUTIVE COMMITTEE.

1868.

# SPEECH OF HON. J. R. DOOLITTLE.

The bill (H. R. No. 439) additional and supplementary to an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto, was read the second time by its title.

Mr. DOOLITTLE said:

Mr. PRESIDENT: In moving the reference of this bill to the Committee on the Judiciary I desire to say that I shall move to amend the ordinary motion of reference by adding certain instructions which I shall send to the Chair.

Mr. President, there is more involved in this measure than in any other, all others, perhaps. I see in it a complete overthrow of the Constitution in ten States of the Union. I see in it a practical dissolution of the Union. I see a Republic in form, at least, still remaining north of the Potomac. I see an empire rising south of it. I see in it the realization of the wildest dream of Calhoun—a dual Executive—a President to execute the laws in the Republic of the North; a military dictator, independent of the President, to make as well as execute laws in the negro empire of the South. My heart is oppressed with a sorrow too deep for full utterance; and yet, with the indulgence of the Senate, I would make a last appeal to modify this policy. I deem it a duty which I owe to the country to do so now, before this bill goes to the committee, for in that committee I have no voice, and I know when its report is once made, and they are fully committed to the measure, it will be too late. I fear I am already powerless to influence the judgment of the Senate. But as I love my country and her republican institutions, as, next to the God of heaven, I have worshiped them from my youth up, and as I verily believe, although I pray Heaven I may be mistaken, they are now in most imminent peril of utter destruction if the bill shall become a law, I know that Senators, if they do not agree with me, will pardon me for giving expression to those earnest convictions which I could hardly repress if I would.

As I can have no hope that Congress will wholly abandon its reconstruction policy, for the purpose of asking the Senate to consider the question of modifying it so far as to limit negro suffrage to certain classes, I submit the following motion, which I now send to the Chair, and request the Secretary to read.

The Secretary read as follows:

*Resolved*, That the bill be referred to the Committee on the Judiciary, and that the

said committee be instructed, in said bill, or in any other bill which may be reported by them having reference to the question of reconstruction, so-called, in any of the States not represented in the present Congress, to insert the following proviso:

*Provided, nevertheless*, That upon an election for the ratification of any constitution, or of officers under the same, previous to its adoption in any State, no person not having the qualifications of an elector under the constitution and laws of such State previous to the late rebellion shall be allowed to vote, unless he shall possess one of the following qualifications, namely:

1. He shall have served as a soldier in the Federal Army for one year or more.
2. He shall have sufficient education to read the Constitution of the United States and to subscribe his name to an oath to support the same; or,
3. He shall be seized in his own right, or in the right of his wife, of a freehold of the value of \$250.

Mr. DOOLITTLE. Mr. President, the question presented in the instructions proposed by me is whether Congress is still resolved to subject the white people of the Southern States to the domination of the negro race at the point of the bayonet, or whether Congress, in deference to the recently expressed will of the American people, will now so far modify their policy as to leave the governments in those States in the hands of the white race and of the more civilized portion of the blacks? That is the naked question. Strip it of all useless verbiage and specious arguments about sustaining loyal men and punishing rebels, it is nothing more or less than this: shall the General of the Army put the negro in power over the white race in all the States of the South and keep him there? That purpose is boldly avowed by some, and that will be the effect of this Radical reconstruction as it now stands, or as it will stand, if this bill shall become a law. On the other hand, the amendment which I offer, if adopted, would leave the governments in those States where they belong and where they ought always to remain—in the hands of our own race—while, at the same time, it would allow the right of suffrage to all those negroes who have any claim to it by reason of intelligence or patriotic services or estate subject to taxation, namely:

1. To those who have served in the Federal Army;
2. To those who have sufficient education to read the Constitution of the United States and to subscribe their names to an oath to support the same; and
3. To those who have acquired and



Ms. E. 1. 7. 43

hold real property to the value of \$250.

But the question may be asked, why not apply the same tests to the white men of the South? The answer is plain and twofold. First, by the constitutions and laws of those States the right of suffrage is already secured to them, and we have no rightful power to take it away. To do so would trample under our feet one of the most sacred rights reserved to the States. It is by extending suffrage to the negroes that Congress is overturning the constitutions of those States. In my opinion, this is a usurpation, which its advocates justify upon the ground of necessity alone. I neither admit the power nor the necessity; but, granting both, no reason can be given, and no necessity but that of party ascendancy can be urged, for going any further in this revolutionary work than to admit to suffrage the classes of negroes named in this amendment.

The second answer is, that the white men have been accustomed for centuries to vote. They have borne all the responsibilities and discharged all the duties of freemen among freemen; and it is a very different thing to take away from a freeman a privilege long exercised by him and his ancestors, from what it is to confer one never before enjoyed upon ignorant, half-civilized Africans just released from slavery. Three generations back many of them were cannibals and savages of the lowest type of human kind. The only civilization they have is that which they have received during their slavery in America.

To confer this great privilege upon the more enlightened negroes might tend to elevate the mass in the end. But to confer it now upon their ignorant hordes can only degrade the ballot and the republican institutions which rest upon it.

No answer to this view has ever been given, no answer can be given, by the friends of universal negro suffrage, except this: "The ignorant foreigner is allowed to vote, why not let the ignorant negro vote?" Thus to compare the civilized European, accustomed to free labor, to self-support, and self-government, to all the duties and responsibilities of a freeman, and who withal, before he is allowed to vote in most of the States, must appear in open court, and, after five years' residence, prove by the testimony of two citizens a good moral character, and that he is well disposed toward the Government and institutions of the United States—to compare him with the poor degraded mass of Africans, plantation slaves just set free, is an atrocious libel upon ourselves, upon our ancestors, upon the results of Christian civilization, and upon the Caucasian race which for thousands of years has ruled the world.

But suppose it to be true that too many ignorant foreigners of our own race are admitted to suffrage already, is that any reason or any apology even for admitting six hundred thousand half-civilized men of another race—men whose natural home is in the tropics, who are ex-

otics here, transplanted, not by the natural laws of emigration, not by their own free will, but by the cupidity of Old and New England, as slaves, and whose whole education and civilization, so far as they have any, have been derived from slavery to the white man? I do not say there are not some ignorant white men, foreign and native born, who are not qualified to vote; but they are exceptions to the general rule. I do not say there are not some persons of Indian, of Chinese, or of African descent who are qualified; but they are exceptions to the general rule also. Society must, in the main, be governed by general laws. While the general rule is that white men are capable, and therefore suffrage may be made universal among them, on the other hand the general rule is that Indians, Chinese, coolies, and negroes are incompetent; and especially is this true of the negroes in the plantation States. Therefore the general rule should exclude them from suffrage. At all events it should be no further relaxed than to admit the excepted classes mentioned in this amendment.

The effect of the adoption of this amendment would be to allow all who have the qualifications required by the constitutions of those States before the rebellion, not specially disfranchised, to vote; that is to say, the mass of white men, and at the same time it would allow the most liberal negro suffrage at all compatible with the maintenance of civilized governments in those States.

Let Congress now pause, and modify its course in accordance with the provisions of this amendment, and I have every reason to believe the people of those States would at once take part in the work of reconstruction, a solution of our difficulties would be attained, and peace restored to the country.

But if Congress will insist upon its suicidal measures, if Congress is still determined to establish those governments upon negro supremacy, then chaos comes again; a war of races is inevitable at the South.

Mr. Alexander H. Stephens, one of the ablest living men of the South, and who speaks from long and actual observation, can—

"See nothing in the policy of reconstruction but the operation of a fearful scheme, whose ultimate result will be the destruction of either the black or the white race. Every day, it becomes more painfully evident that the estrangement between the races is widening—on the part of the negroes from the effects of such instruction as teaches them to distrust and oppose the whites, and on the part of the latter from an abhorrence of the negro leaders and an instinctive aversion to be ruled and legislated for by ignorance and semi-barbarism. From what fell under his own observation in Georgia, he was unable to detect anything like a spirit on either side tending to mutual sympathy of sentiment and interest. Radical emissaries from the North have sown the seeds of evil dissension with a terrible earnestness, and the diametric opposition of the races now visible all over the South must, in the very nature of things, lead, at some time or other, to fearful collisions. This inevitable result, as a dispassionate observer, forces itself irresistibly on his attention. A war

of races, desired by some, and indifferently heeded by others, is, to his mind, a consequence as sure to happen, under the Radical method of reconstruction, as it is impossible to avoid, if the precedents of history or the impulses that control human nature be taken into account."

And such is the united testimony of the intelligent men of the South.

But, sir, why press this negro supremacy over the whites? What reason can you give? I have heard three distinct answers to this question worthy of notice:

First. Because the States of the South rejected the constitutional amendment submitted by Congress;

Second. Because the negroes are loyal and the whites disloyal; and

Third. Because it will secure party ascendancy.

Let us consider the first answer, that the States of the South have rejected the constitutional amendment submitted by the last Congress as the basis of reconstruction.

I admit the Legislatures of all the Southern States rejected that amendment with great unanimity; but is that any sufficient reason for the adoption of this harsh policy? I think not. In the first place, that amendment contains one provision which made its adoption impossible by the Southern people, at least until you change the human heart and destroy the sense of personal honor. It disfranchises from holding office all the men of the South in whom they had ever placed any public confidence—all who had ever held any office, State or Federal. And disfranchises them for what? For simply doing what they themselves had done.

I can understand how one may say in argument that the leaders should be disfranchised. But how any man of common sense, or common manhood, could ever suppose it possible for the people of the South to vote to disfranchise men esteemed by them as equal to, if not better than themselves, for an offense of which they themselves were equally guilty, is beyond my comprehension. You ask the Southern people to betray them in whom they trust. You ask them to dishonor those whom they honor, to uproot the affection of years from their hearts. You ask them to strike with a serpent's tooth the bosom of a friend. Until human nature shall cease to be what God has made it, honorable men could not do it; honorable men, to save themselves, to save even their lives, would not incur the guilt of such unnatural treachery by voting for such a provision. When it was pending before the Senate, June 8, 1865, I urged and implored Senators to allow the several provisions of that amendment to be separately submitted and voted upon, and I warned the friends of the measure that this provision would inevitably defeat its adoption by every Southern State. But, sir, the majority were deaf to all appeals. The caucus had resolved; the deed was to be done; and it was done. On account, mainly, of that provision, the amendment was rejected almost unanimously by every Southern State.

Again, when examined more closely, we find that provision required them to vote to disfranchise those and who had received pardon and amnesty, and a restoration to all their rights as citizens under the proclamations of President Lincoln and President Johnson, by virtue of a law of Congress, which you yourselves enacted, which expressly authorized them to grant such pardon and amnesty upon just such terms as they thought proper. An amendment offered by me in the Senate the 31st of May, 1865, to except those men who had "duly received pardon and amnesty under the Constitution and laws," was voted down by an unyielding majority. I can never view this provision in any other light than a most palpable violation of the plighted faith of this Government given to those persons in the most solemn form.

If the Emperor of Russia, by proclamation, were to grant a full pardon to such Poles as would take an oath of allegiance to his crown, and if he should afterwards deliberately break his word, what denunciations would be, and ought to be, heaped upon his head by the civilized world! The perfidy of such an action would only be equalled by its folly as a measure of pacification to Poland. Congress authorized the President to give pardon and amnesty to thousands whom Congress now calls upon the people of the South to vote to disfranchise.

Again, sir, there is another feature of that provision which no sentiment of justice should tolerate or excuse. In that sweeping disfranchisement no distinction whatever is made between those who voluntarily engaged and those who were compelled to engage in the rebellion; no distinction whatever between the innocent and the guilty.

The Senate will remember that when this amendment was pending I offered an amendment to restrict that disfranchisement to those who had voluntarily engaged in the rebellion; and it was voted down by the same unyielding majority.

Partisan zeal and party necessity may account for many things. But when the history of these times shall be written it will seem incredible to our posterity that learned men and able Senators could ever for one moment bring themselves to believe it possible that the people of the South would vote for such an amendment.

It contains still another objectionable feature in violation of an important principle in every good government, confounding executive with legislative duties. If there be any prerogative which more than another pertains to the executive in all Governments, ancient and modern, that prerogative is the power of pardon.

This amendment proposes to change the Constitution so as to take that power away from the Executive and confer it upon the two Houses of Congress. It is revolutionary, and worse than that. It vetoes the power of clemency in advance. It not only takes that power



from the President, but it takes it away from a majority of Congress. It requires two-thirds of both Houses in order to exercise the power of pardon, the same majority which is necessary to pass a law over the Presidential veto. In what civilized Government upon earth was there ever such a restriction upon the power of pardon? Can it be found even among the savage tribes?

Sir, this amendment makes it impossible for a majority of the people of the United States, by the choice of a President or by the election of the Houses of Congress, to grant pardon and amnesty.

I speak with all becoming respect for the opinions of others and for the sincerity of their motives. I know it never could have been intended, but judging this provision by its own words, standing in its own light, it seems to be born of distrust in the intelligence and magnanimity of the people; the offspring of cowardice and revenge, of unforgiving hate and lust for political power.

And is it because the Legislatures of the South rejected such a proposition that Congress should now enforce this policy and establish a combined negro and military despotism in all the States of the South, and under its iron heel trample in the dust our own race and kindred and people?

Mr. President, Congress has proposed from time to time many schemes, but they may all be resolved into two distinct policies, radically opposed to each other.

First. Reconstruction by the constitutional amendment on the white basis.

Second. Reconstruction by negro suffrage and military force.

The first assumed that peace had come; that the States were in the Union, with governments organized, with Legislatures having power to ratify or reject constitutional amendments; and, furthermore, that those governments were in the hands of white men, with power, as in all the other States, to admit or to exclude negroes from suffrage. And, in case the amendment were adopted by three-fourths of the States, the only effect of admitting or excluding negroes from the ballot, in any State, would be to change its number of votes in the other House of Congress, and in the Electoral College.

The second assumes that we are still at war; that the Southern States are not States in the Union at all, but conquered provinces, with no Legislatures which can either ratify or reject a constitutional amendment; that the white people of these States shall no longer have any power over the question of suffrage; that Congress by the bayonet will disfranchise the whites and enfranchise the blacks; and thus by military power and negro votes compel the adoption of a new Union and a new Constitution. Because they rejected the constitutional amendment Congress now resorts to the bayonet and negro suffrage to compel its adoption.

True, I admit they did reject the amendment. But how did they reject it? By the votes of their Legislatures.

They could reject it in no other way, for it was only to their Legislatures that Congress submitted the question. But how could their Legislatures reject it if they had no Legislatures at all? If they had Legislatures which could reject it they had Legislatures which could ratify it. To do either is the highest act of a State Legislature, for it then acts upon the fundamental law not only of its own State and people, but of all the States and all the people of the United States. Conceding they had power, as you claim, to reject your amendment, by what shadow of right do you deny to those Legislatures power to choose Senators in this body? As well deny to a living body the right to breathe.

But perhaps you say if they had ratified the amendment, then they had Legislatures which had the right to vote. But as they voted to reject it they had no Legislatures, and no right to vote. In other words, if they voted with you they had a right to vote; if they voted against you they had no right to vote at all.

Again, sir; all the world knows the whole object of the war was to put down the rebellion and to maintain the union of States under the Constitution. Every act and resolve of Congress, every dollar spent, every blow struck, every drop of blood shed, was to compel the people and the States of the South to live in the Union and obey the Constitution. And now that we have succeeded, now that the people and the States of the South have surrendered to the Constitution and laws, you say they shall not live in the Union under this Constitution at all. They shall first form another Union, and come into that Union under another or amended Constitution.

Mr. President, having thus shown that this first answer to that question is unreasonable, inconsistent, and absurd, I repeat the question a second time. Why press this negro domination over the whites of the South? What reason can you give?

A second answer is, because the negroes were loyal and the whites disloyal. Let us examine this bold assertion. Is it true? Were the negroes loyal during the rebellion? Recall the facts. Who does not remember that at least three-fourths of all the negroes in those States during the whole war did all in their power to sustain the rebel cause? They fed their armies; they dug their trenches; they built their fortifications; they fed their women and children. There were no insurrections, no uprisings, no effort of any kind anywhere outside the lines of our armies on the part of the negroes to aid the Union cause. In whole districts, in whole States even, where all the able-bodied white men were conscripted into the rebel army, the great mass of negroes, of whose loyalty you boast, under the control of women, decrepid old men and boys, did all they were capable of doing to aid the rebellion.

Again, sir, the assumption is equally groundless that the whole of the white population, or a majority even, ever voluntarily engaged in the rebellion. It

is true, the great majority in the end were compelled to acquiesce; but it was not until after the Federal Government, speaking through President Buchanan, had abandoned the loyal people of the South and declared that neither the President nor Congress had the power to make war to compel the States to remain in the Union; in a word, it was not until after President Buchanan, in his message of December, 1860, declared that this Government had neither the right nor the power to defend itself from overthrow at the hands of the radicals of the South that a majority of the Southern people were disposed to consent to secession, nor did they even then acquiesce in rebellion until hostilities, actually begun, had organized an irresistible military power over them. Then the majority were compelled to succumb.

It should not be forgotten that allegiance on the part of the citizen and protection on the part of the Government are correlative duties. Has a Government the right to demand the one if it do not afford the other? Has it the right to punish the citizen for yielding to a superior force against which it makes no attempt to protect him? Such a claim would be monstrously unjust.

We know very well that the radicals of the South had a powerful organization. They were as bold, as earnest, as reckless of consequences and as restive under Constitutional restraints as the boldest of the present Radicals of the North.

Mr. NYE. With the permission of the honorable Senator from Wisconsin, I should like to know what he means by "the Radicals of the South?"

Mr. DOOLITTLE. I mean the secessionists.

Mr. NYE. Ah!

Mr. DOOLITTLE. I will not leave you to misunderstand, sir, to whom I refer.

Mr. SUMNER. I should like to ask the Senator what is his authority for the expression?

Mr. DOOLITTLE. As I perceive that my honorable friend from Massachusetts proposes to enter upon this discussion, I trust he will allow me to finish what I have to say, and then he will have ample opportunity to be heard. I shall refer to several things before I get through that will perhaps attract his attention.

I was speaking of the radicals of the South and the extremist Radicals of the North, and I say they are similar in all the main elements of character, cherishing even to fanaticism opposite extremes of opinion, equally removed from the truth. Had they exchanged places and educations, in all human probability the Radical of the North would have been a most violent radical at the South, and the radical of the South an equally violent Radical at the North.

Mr. President, it is a striking fact, showing how easily extremes sometimes meet, that the radical cry of the secessionists of 1860 is identical with that of

the Northern Radical of to-day, namely, "The Union is broken; the Constitution in all the States of the South is gone. Down with the old Union, down with the old Constitution; we are outside the Union and outside the Constitution; we will have a new Union and a new Constitution to suit ourselves or we will have none at all." The cry was the same, the purpose the same—political power. The radicals of the South raised that cry to build up their power upon negro slavery; the Radicals of the North to build up their power upon negro supremacy, upheld by the bayonet.

And, sir, shall we make no allowance for the great mass of the Southern people who, by force, by terror, by persuasion, by the abandonment of the Government, and by all the excitements, passions, and necessities of actual war, were plunged into that terrible conflict by the radicals of the South, as by a power they could not control? We all know the influence over any party or community of a small, well organized minority, strong in will and reckless of consequences. What have we seen in the Republican party itself within the last three years?

We have seen a comparatively small number of earnest Radicals reverse and absolutely overturn from its foundations the policy of reconstruction adopted by Mr. Lincoln before his reelection, and sustained by the convention which renominated him and the party which re-elected him in 1864. His policy was reconstruction upon the white basis. The negro was excluded altogether.

Even the Wade and Davis reconstruction bill, which passed Congress by Republican votes, and which Mr. Lincoln refused to sanction, but not for that reason, confined reconstruction to the white basis alone. It excluded all negro suffrage. It left that question, where it belongs, to the white race to determine in each State for itself.

Upon this subject I quote and adopt the language of the Senator from Indiana [Mr. MORTON] while Governor of that State:

"I call your attention to the fact that Congress itself, when it assumed to take the whole question of reconstruction out of the hands of the President, expressly excluded the negro from the right of suffrage in voting for the men who were to frame the new constitutions for the rebel States."

"If Mr. Lincoln had not refused to sign that bill there would to day be an act of Congress on the statute-books absolutely prohibiting negroes from any participation in the work of reorganization, and pledging the Government in advance to accept of the constitutions that might be formed under the bill, although they made no provision for the negro beyond the fact of his personal liberty."

I repeat, we have seen a little handful of Radicals, by their boldness, persistency, and force, persuade, cajole, or drive the great majority of the Republican party away from their own avowed policy of reconstruction upon the white basis, and compel them to adopt the policy of universal negro suffrage, to establish negro governments, and now, at



last to propose in the bill on your table an absolute military dictatorship in all the States of the South. I shall say nothing unkind of the Senator from Indiana; I admit his patriotism and eminent abilities and his almost incomparable services during the late war to put down the rebellion. But if anything were wanting to demonstrate the power which these Radicals have had over the mass of the Republican party in changing their opinions and reversing their policy, we have only to point to the able Senator from Indiana himself, once among the most powerful advocates of the Lincoln Johnson policy of restoration upon the white basis, now bound hand and foot, and dragged in chains at the victorious chariot wheels, to grace the triumph of Wendell Phillips and the Senator from Massachusetts, [Mr. SUMNER.] Even his great mind now lends its powerful influence to favor the establishment of governments based upon universal negro suffrage, to hold, it may be, the balance of power in this Republic under the control of the bayonets of the regular Army.

I well remember the effect produced by the speech of the Governor of Indiana in 1865. It came at a time to be most gratefully remembered by me, for I was engaged in a struggle at that time against the Radicals in my own State, to prevent them from changing the creed and reversing the policy upon which the Union party fought and mastered the rebellion, and by which alone their victory was achieved. I endeavored to demonstrate the same truths set forth in that great speech, and when it came, with its irresistible eloquence and unanswerable force of argument, I rejoiced to lean upon his strong arm for support. Like him, I had on more than one occasion attempted to prove that Mr. Johnson inherited and was faithfully carrying out the policy of his predecessor. We did not then have the positive testimony of General Grant and of Mr. Stanton to prove that Mr. Johnson's North Carolina proclamation was drawn by Mr. Stanton and read over in Mr. Lincoln's Cabinet. Had those facts then appeared it might have saved that honorable Senator and myself the labor of proving the identity of the policy of Mr. Johnson with that of Mr. Lincoln, which the Governor of Indiana demonstrated in a manner so complete that no man has ever been able to answer him. I do not doubt his patriotism nor his sincerity. But of all surrenders to the Radical negro-suffrage policy of reconstruction, none filled me with so much surprise, none gave me so much pain, as that of the honorable Senator from Indiana, except one. I refer to General Grant.

Again, sir, if it were true that the whites were disloyal during the rebellion, they are not rebellious now. Rebellious cannot exist or continue without real or supposed cause. Slavery, the cause and the pretext for the late rebellion, is gone forever. It can never be revived. Nothing can incite another rebellion at the South, for they have no

power to organize one against the Government, and will not have for many years to come.

Upon this point allow me to read an extract from a letter of Hon. Benjamin Fitzpatrick, formerly the Presiding Officer of this body, and known by all the older Senators as being opposed to secession, a gentleman of the highest honor and undoubted integrity. Hear what he says:

"It is said by some that it was made to keep down rebellion. What have the people of the South to commence or carry on a rebellion with? Our slaves are all set free, our fields barely cultivated under the new system of labor, and many of them grown up in briars and weeds since emancipation, and almost everything in a state of dilapidation and decay. The cry for bread which comes up from almost every hill and valley in the State has scarcely ceased ringing in our ears, and it was only hushed by the liberal donations from the benevolent of the North and West. No people of the Old World in any of their long and desolating wars ever longed for peace more than we do. We want peace, but not degradation. We wish to be left free to act for ourselves, and free from the intermeddling of those who do not live among us, but come here to foment discord and speculate upon our troubles."

Sir, this is the language of one who knows the white people of the South and speaks for them.

And why, sir; why should they not desire peace? For that rebellion, into which in an evil hour the radicals of the South plunged them, they have been punished already by the sacrifice of all their slave property, valued at three to four thousand million dollars; by the sacrifice of more than three-fourths of all other personal property, probably two thousand millions more; by the sacrifice of their public and private credits—at least a thousand millions more; by the depreciation of the value of all their real estate at least seventy-five per cent.—amounting probably to more than two thousand million dollars more—making in all a sacrifice of property, credits, and values in the Southern States alone of at least nine thousand million dollars.

But there is another bloody and terrible page in this account—a page in account with death. It is estimated there have perished in battle, by disease, exposure, or other cause incident to the war, at least three hundred thousand able-bodied men of the South. I take no account of the unutterable anguish of millions of crushed and bleeding hearts. No language can express, no figures measure that. For that rebellion the white men of the South have been most terribly punished! Nine thousand millions of values are gone—lost forever! Three hundred thousand able-bodied white men of the flower and strength of the South now lie in their bloody or premature graves! Great God! Is not this punishment enough? Must we go further? Must we now punish the white men of the South by placing them under the domination of half-civilized Africans? And in order to do that shall we punish ourselves by giving over to stolid and

British ignorance the political control of one-fourth of the States, and, it may be, under the control of the Army the balance of power in the United States? Shall we Africanize the South and Mexicanize the whole Republic?

I know these measures of Congress have done much to wound, nothing to heal. Yet, notwithstanding all that Congress has done to embitter their hatred toward the Radical policy, there is neither thought nor wish nor hope to restore slavery, nor to separate from the Union, nor of rebellion against the authority of the Government; all evidence proves the contrary.

In the whole rebel army which surrendered I challenge any Senator to point me to a single instance in which a rebel officer has violated his parole; or to a single man, of any position or prominence at the South, who after taking the oath of allegiance has violated his pledged faith.

No man can more deeply feel than I do the great and monstrous folly and crime of that rebellion, which brought so much of agony and of blood upon all parts of our beloved land, which robbed us of our sons and dearest kindred and threw a shade of sorrow over our hearts which will never pass away until they cease to bear. But, now that blood has ceased to flow; now that three years of peace have elapsed; now that the whole South has surrendered and every interest they have or can hope for is to be found in the Union and under the Constitution; now that they have in good faith pledged anew their allegiance, and desire to join with us in rebuilding the waste places overrun by this desolating war; now that they have, in fact, ceased to be rebels, why shall we continue to denounce them as rebels, and do all in our power to compel them to be rebels, and to remain rebels and enemies forever? Is that the way to restore prosperity? Is that the course of wise statesmanship? Will that bring permanent peace?

Sir, let me put the extremest case. Suppose that these States of the South before the war had been foreign States, and that we had conquered them by arms; would not wise statesmen adopt the policy of conciliation? Would not they treat them as friends and make them fellow-citizens at the earliest possible moment? How much more earnestly should we adopt that policy because from the beginning we have always declared that our purpose was not to subjugate but to maintain the Union with the equality and rights of the States unimpaired.

We had a war with Mexico, resulting in the acquisition of people and territory. By treaty the people were made citizens at once, with all the rights of citizens. We have had wars with Englishmen; but when the bloody strife was over, when peace had come, what course did our great ancestors pursue? We all know the war of the Revolution was a civil war. During the strife, confiscation and disfranchisement were the order of the day. But when peace came

and they sought to lay the foundations of the Republic broad and deep, what did they do? Do you find in the Constitution they formed or the laws they passed under it any test-oaths; any bills of attainder; any *ex post facto* laws; any military reconstruction bills? No, sir. No; they were too great and too wise. They had too much faith in man, and liberty, and truth, and God for that. On the contrary, they declared that no bills of attainder, no *ex post facto* laws should be passed; no man not in the military or naval service should be subject to military trials under the arbitrary power of the bayonet; and that even for treason itself there should be no corruption of blood or forfeiture beyond the life of the guilty party; and, furthermore, that no man should be convicted except upon presentment by a grand jury and after a fair trial, confronting his accusers, by the verdict of a jury of his peers.

In the Declaration of Independence, also, even in the midst of war, reason remained supreme over passion. They were equal to the grand occasion. In one of its sublimest sentences they declared they would hold the people of England, their fellow-countrymen, with whom they were then engaged in civil war, as they did the rest of mankind, "enemies in war, in peace, friends." If we cannot equal them, may we not endeavor to follow their example?

What do the great examples of history teach us in dealing with rebellions if not that, after force has been subdued by force, magnanimity is more powerful than revenge; that love conquers what hate never can—the hearts and affections of a people?

When Latium, one of the Roman provinces, revolted, and the revolt was put down by arms, the question arose in the Roman Senate, what shall be done with Latium and the people of Latium? There were some then who cried, "disfranchise them;" others said, "confiscate their property." There were none who said, "subject them in vassalage to their slaves."

But old Camillus, in that speech which revealed his greatness and made his name immortal, said: "Senators, make them your fellow-citizens, and thus add to the power and glory of Rome." In this high place, in this Senate of the great Republic of the world, outgrowth of the civilization of all the ages, cannot we, Senators, rise to the height of that great argument?

To descend to humbler examples, may we not even take lessons from some of our Indian tribes? It is well known that the civilized tribes of the Indian territory took sides in our terrible conflict. Civil war in its direst and most savage form raged through all their country. Their dwellings were sacked and burned; their hands were red in each other's blood. Yet they have made peace. They have reorganized their governments. They now live side by side in perfect tranquillity. Prosperity is once more smiling upon their beautiful land. Cannot Christian states-



men have equal faith in magnanimity—equal courage to forgive and to believe that love is the power by which to reach the hearts of our late enemies?

But, sir, suppose the statement be true that the negroes are loyal and the whites disloyal in heart, have we even then the right to degrade the whites in vassalage to the negroes? I answer no. For their criminal acts we would have the legal right to try and convict and sentence to imprisonment and to death even. But now, without trial, by what operates as a substantial bill of attainder and *ex post facto* at that, to subject them to negro governments is a crime against the Constitution, against our own race, and against civilization itself. It is to impose upon them against their will a degradation which every State of the North would reject, and one tenfold greater than has ever been attempted in any Northern State. It would make them unfit to be our fellow-citizens, and place the States of the South upon a footing inferior to that of the other States in the Union.

Sir, we claim to have fought for liberty and against slavery. The issue of 1860 was the extension of slavery into the Territories. By the election of Mr. Lincoln the people of the United States decided against that. The radicals of the South, another name for the secessionists, rebelled against that decision and endeavored to reverse it by arms. That rebellion raised another and greater issue—the existence of the Government itself. It also placed at stake slavery in all the States. By the re-election of Mr. Lincoln in 1864 the people decided in favor of a vigorous prosecution of the war until every rebel should lay down his arms, and also in favor of an amendment to the Constitution to abolish slavery in all the States and Territories forever.

At present, what do we behold? Now that the war is over, now that every rebel has laid down his arms, now that the people of the South have unanimously agreed to abolish slavery forever, to obey the Constitution and discharge every duty as citizens of the United States, the Radicals of the North have morally begun a new rebellion against the Union and the Constitution; for, raising anew the old cry of the radicals of the South, they now declare that the States of the South are outside the Constitution, and that Congress, acting outside the Constitution, has unlimited power over them as over conquered territories. In their blind zeal for the advancement of the negro they propose to overthrow the Constitution in order to practically subject the white race to the domination of the negro.

As men who claim to be the friends of liberty, we have no right to do that.

As Christians who claim to have learned something of forgiveness from the teachings of our Saviour, we have no right to do that.

As members of that great Caucasian race which has given the world its civilization, we have no right to do that.

As statesmen who desire to restore the

blessings of peace, we have no right to do that which would inevitably make eight millions of our own race and kindred in our own land eternal enemies of the Government.

As statesmen who, with ordinary sagacity, should look to the future and to possible wars with foreign Powers, we ought to make haste to restore sentiments of affection and patriotism in all that vast region, larger and richer by far in natural resources than England, France, and Prussia all combined.

And I ask, Mr. President, with all the earnestness of which the soul is capable, can any human being conceive of a measure so well calculated to make the whole white people of the South, men, women, and children, hate and loathe our Government, to hate it with a perfect hatred, to gather around the family altar upon their bended knees to curse it, and in the agony of prayer to call upon God to curse it, as this Radical reconstruction which seeks to disfranchise the heart and brain of the South, and to subject at the point of the bayonet the white race to the dominion of their late half-civilized African slaves? Instead of peace it gives them a sword; instead of hope it fills them with despair; instead of civil liberty it gives them military despotism. White disfranchisement and negro domination was the idea which inspired and provoked the riot at New Orleans. It has arrayed everywhere the blacks and whites in hostility to each other, often resulting in bloodshed all over the South. It tends directly to bring on that war of races which in the West Indies enacted scenes of horror to sicken and appal the world.

That war is now impending over all the South—it is only the presence of the Federal Army which prevents its outbreak upon a gigantic scale—a war which, once begun, will end, I fear, in the exile or extermination of the blacks from the Potomac to the Rio Grande. I know the Senator from Ohio, [Mr. WADE,] in a speech in the late canvass, had no fears of such a war or of its results. He is reported to have said, "let that war come; let them fight it out." God grant that war may never come! But, if it does come, no amount of military discipline can compel the white men of the North to take part in the massacre of their own race and kindred.

Mr. President, having considered at some length the second answer to my question, and finding that it is not sustained by the facts, that it is bad in principle and worse in policy, I repeat the question a third time—why press this negro supremacy over the whites of the South? What reason can you give?

The leader of the Radical forces—that inexorable Moloch of this new rebellion against the Constitution,

"The strongest and the fiercest spirit That fought in heaven, now fiercer by despair,"

answers with boldness, and in plain English gives the true reason, namely, to secure party ascendancy. This is the



third and last answer which I propose to consider on this occasion. On the 3d of January, 1867, Mr. STEVENS, in the House of Representatives, used this language, which I find reported in the *Globe*:

"Another good reason is, it would insure the ascendancy of the Union party. Do you avow the party purpose, exclaims some horror-stricken demagogue? I do."

The party purpose is here avowed in the House. In his speeches and letters elsewhere Mr. STEVENS again and again, in stronger language, avows the real purpose of this legislation, to them I mainly refer. The negroes, under the tutillage of the Freedmen's Bureau, led by Radical emissaries, or pushed by Federal bayonets, must take the political control of these States in order to obtain their votes in the Electoral College or in the House of Representatives in the election of the next President. Here is a reason, and just such a reason as the bold Radical would give. It is in keeping with his revolutionary measures, and in keeping with his own revolutionary history.

The letter of General Pope, when in command of one of the districts, recently published, draws aside the veil and discloses the fact that the same party purpose seeks to control the bayonet also.

This argument, for party ascendancy, all can understand. It is bold, clear, and logical. It is the argument of necessity addressing itself to unscrupulous ambition. One syllogism contains the whole of it: "We must," says the Radical, "elect the next President. The negroes, under the lead of our Bureau or the control of our bayonets, will vote for our candidate. The whites, outraged by our attempt to put the negro over them, will vote against him. Therefore the bayonet must place the negro in power in these States to give us seventy electoral votes for President, twenty Senators and fifty members of the House."

All honor to the Radical chief, the great Commoner, who, with all his faults, is too great a man to resort to subterfuge or shams, or attempt to conceal this real purpose in this legislation.

Some who favor these measures do not admit his leadership. But the truth is, in some way or other he does lead or drive the Radical party in the end into the support of all his revolutionary schemes. Now and then one shrinks back. More than once I have seen the "galled jade wince," but never fail at the last to obey the lash of her master. Would to heaven it were otherwise! Would to heaven that the Radical party could pause and modify its suicidal policy! But I fear the majority have become bound to it—bound hand and foot with chains; they cannot break; that, however much some may regret it or strive to conceal regret, political necessities compel you to go on, and right on to the bitter end. You have staked your all upon it. You must live or die by it.

The Senator from Massachusetts, [Mr.

WILSON,] as if by authority, says, "We will take no step backward." Mr. COLFAX, in his recent letter, re-echoes, "Not a hair's breadth." Such, I fear, is the fatal resolution taken by the majority.

The result of the recent elections, showing that a majority in the Northern and Western States is opposed to that policy, so far from changing a resolution from which the Radical party dare not retreat, is pushing it on to the madness of despair. It sees that its majority in the North and West is already lost. It dare not exclude the South in the next election. The South must be forced at the point of the bayonet, by white disfranchisement and negro suffrage, to vote for the Radical candidate, or he will be beaten. The majority in the Northern and Western States against him must, therefore, be overcome by the negro votes of the South.

Sir, we shall see if the people of the United States will allow the regular Army, which now controls this ignorant negro vote in the South, to hold the balance of power in the Republic and to elect to the Presidency the candidate of negro supremacy, upheld by military despotism. Shall Pretorian bands control the Presidency, as in the degenerate days of Rome they set up the empire for sale? I am no prophet; but, if not mistaken in the signs of the times, the American people are not yet prepared for that. The Democratic party, everywhere freeing itself from the errors of the past, planting itself upon the living issues of the hour, welcoming into its ranks all who are opposed to this Radical and barbarian policy of subjecting the States of the South to negro supremacy by military dictatorship, all who are in favor of maintaining the integrity of the Union, the rights of the States, and the liberties of the people under the Constitution, and all who neither admit the doctrine of Southern radicalism which brought on this rebellion, that a State may secede from the Union, nor admit that other doctrine of the Northern Radical, no less revolutionary, that Congress may exclude or disfranchise ten States from the Union, are now coming together upon the platform of the fathers of the Constitution, and in the same fraternal spirit in which it was formed, and by which alone it can be maintained.

Sir, there are times when public opinion is like a placid stream gently flowing within its banks, when slight obstacles may for a time arrest or change or divert its course. Then, it may be said, the voice of the people is the voice of politicians; the voice of the people is the will of a party. But there are other times when the heavens are overcast, the rains have descended, and the floods have come, that its majestic current rolls on, emblem of wrath and power, when resistance maddens its fury and increases its strength. Then it overflows its banks. The barriers of party caucuses and politicians are all swept away and become mere flood-wood on the surface of the troubled waters. The

voice of the people then is no longer the voice of politicians; then it is that the voice of the people is the voice of God.

Sir, we have passed through such crises in our day. You well remember when a feeble minority in this body raised its voice against that overbearing majority which, under the dictation of Southern radicals sought to force a State government, with negro slavery, upon the people of Kansas against their will. That monstrous wrong stirred the hearts of the people to their very depths, and party lines and party names were forgotten. Party ties were sundered like flax at the touch of fire. You remember that, sir.

Again, when these same radicals of the South, because the people of the North indignantly refused to sanction the subjugation of Kansas, rose in arms to destroy the Union and the Constitution, what became of party then. The people rose as one man. Large masses of the Democratic party gave their political support to the administration of Mr. Lincoln, forming the Union Republican party; and to their eternal honor be it said that the great mass of the Democratic party, with some exceptions, gave to his war measures a hearty and unflinching support. Without that support the war would have been a failure.

In the actual prosecution of the war, in the camp and on the field of battle, in the rank and file, as well as in command, we found no distinction whatever. Shoulder to shoulder Democrats and Republicans stood together like brothers on every battle-field from the beginning to the end of the rebellion. To defend the Union and the Constitution against overthrow by Southern radicalism, in arms against them, they braved every danger and endured every hardship. Together they stood in the day of the conflict, freely bared their bosoms in each other's defense; together often their life's blood gushed and mingled, and side by side they now sleep their last sleep in their honored graves. There they will sleep together till Heaven calls them to their reward.

And now, sir, what do we behold? A dominant majority in this Senate and in Congress, under the lead of Northern Radicalism, at the point of the bayonet forcing negro suffrage and negro governments upon ten States of the Union and six million people against their will. What was the outrage upon Kansas compared to that? We see them practically dissolving the Union by excluding ten States from the Union, thus doing what the rebellion could never do and what we spent \$5,000,000,000 and five

hundred thousand lives of our best and bravest to prevent. For long months we have seen them encroaching steadily and persistently upon the just rights of the Executive; and now, to rivet their chains upon us and to crown the whole of their usurpations, they propose to subjugate the Supreme Court; to overturn justice in her sacred seat in this tribunal of last resort. They would compel the court whose office it is to hold an even balance between the States on the one hand and the Federal Government on the other, and also between the several departments of the Government, to place false weights in the balances. They would make the weight of the opinions of three judges in favor of the usurpations of Congress more than equal the weight of the opinions of five judges in favor of the rights of other departments, the rights of the States, and the liberties of the people.

Sir, we are in the midst of a new rebellion, bloodless as yet, but which threatens to destroy the Constitution, and with it the last hope of civil liberty for the world. But let us not despair. Let us not surrender our faith in the people nor our faith in republican institutions. The people everywhere are coming to the rescue. They are again rising above party and the clamors and denunciations of partisans. Hundreds and thousands of the earnest Republicans who supported Mr. Lincoln's Administration have already severed their relations to this revolutionary party. Hundreds of thousands more are ready to do so and to strike hands with the great mass of the Democratic party to rescue the Constitution from this new rebellion against it.

Yes, sir, they are organizing everywhere, from Maine to California, not upon the dead issues of the past, for inglorious defeat. There is too much at stake, and they are too terribly in earnest for that. But with living men, upon the living issues of the present, they will organize for a victory so complete and overwhelming that the votes of the negro States of the South cannot hold the balance of power and decide the election against them. That same patriotism which led hundreds of thousands of Democrats to sustain the Republican party in putting down the rebellion of the Southern radicals will now lead hundreds of thousands of Republicans to act with the Democratic party to overcome the no less dangerous doctrines of the Radicals of the North. They are fighting in the same cause of the Union and the Constitution, and for the spirit which gives them life.



# SPEECH OF HON. HENRY STANBERRY.

Hon. HENRY STANBERRY having been called on to respond to the following toast:

"The Constitution: A compact of perpetual Union; when disturbed it needs no reconstruction, but only the removal of an obstruction."

Spoke as follows:

Mr. Chairman and Gentlemen: I feel to-night something of the novelty and excitement of a new situation. For the first time in my life I find myself an invited guest at a Democratic celebration. [Laughter.] I find myself here, not merely as one of the convives, but selected by the committee to respond to one of the regular toasts. I am reminded of the old adage, that "politics, like poverty, sometimes brings us acquainted with strange bedfellows." [Great laughter and cheering.] I trust, Mr. Chairman, that I may escape the charge of egotism if I take a few moments to explain how it has happened that I never have been at a Democratic celebration in times past, and how it happens that I am here now. I feel that I do not speak for myself only, but for thousands of others, whose past and present political associations have been and are the same as mine.

For more than thirty years I belonged to the Whig party, and fought in its ranks so long that I was classed as one of its "old guard." I was with it in its successes, which were few, and still constant to it in its reverses, which were many. I never deserted it while its organization existed, and only ceased to be a Whig when the party itself ceased to exist. My last vote was given to that party in the Presidential contest of 1860. Then came the rebellion, and with it a new issue, which overshadowed all former party issues. I lost sight at once of all former political associations, and joined that great Union party which saved the Republic. [Applause.]

When that great fact was accomplished, when the work of the soldier was done, and the work of the statesman was to be resumed, a new question arose, only less in magnitude to that of the preservation of the nation, and that was, in what spirit and according to what policy the victorious North should deal with those Southern States and that Southern people who had been engaged in insurrection. They gave up the contest, and all the issues of the contest; they repealed their ordinances of secession; they abolished the institu-

tion of slavery; they repudiated the debt which they incurred in waging war, and again asked to come under the protection of the old flag, to be restored once more to the rights and privileges of American citizens.

It did seem, at first, that the policy of forgiveness and restoration would prevail. It was inaugurated under the leadership of Mr. Lincoln, and he proposed in good faith to carry out the pledges and hopes held out to the South during the struggle—that the object of the war was not to destroy, but to preserve; that Southern States had never lost their places in the Union, but were only temporarily out of their proper relations, and that as soon as the war was over these constitutional relations should be resumed. But even before the death of Mr. Lincoln there was developed in the Republican party a formidable opposition to that policy; and a new party was soon formed, which held that we had waged a war for conquest, and not for restoration; that we had not merely put down an insurrection, but that we had conquered provinces, not States, and a foreign people, not American citizens; that these States, instead of being restored, were to be reconstructed; that as conquered territory, Congress was to legislate in all their domestic concerns, and if ever they were again to become States of the Union, they were to come in by a new title, precisely as in some future day we may choose to make a State of the newly acquired territory of Alaska.

Gentlemen, the Constitution is the text of the sentiment to which I have been called upon to respond. Let us stop one moment to look into that sacred instrument, in order to solve the question which arises here. The case which has occurred is not, in the language of a lawyer, a *casus missus*. The Constitution is not silent. It has anticipated what has happened. It provides for insurrection, whether small or great; whether of a part of a State or an entire State; whether in one State or in many. It provides for insurrection against the laws of a State, and for insurrection against the laws of the United States. It gives power in both cases; the power in one case to put down insurrection against the State by enforcing obedience to the laws of the State; and the power in the other case to put down insurrection against the laws of the United States by enforcing obedience to those laws. So, too, the Constitution gives



the power of protection against foreign enemies, and the power to declare war, and, as incidental to that, the power to make conquests.

Where, in this instrument, providing for the very case of insurrection and for the very remedy to be applied—where do you find power to put down insurrection in a State, and then to destroy the State, and hold it and its people as conquered and subjugated? And yet, gentlemen, this is precisely what has been done, not by a change of our Federal Constitution, but by a Congress who must find for every act a warrant and authority in the provision of that Constitution. The reconstruction acts passed by Congress have converted ten of these States into a lower condition than that of mere Territories, have destroyed every vestige of State government, and have stripped millions of their people of every characteristic of an American citizen. Under this extraordinary legislation, the vast territory covered by these ten States, and the millions of unhappy people which reside there have no more protection under our Federal Constitution than if they occupied so much territory in the interior of Africa. Their State constitutions—made by these people under the auspices of President Lincoln and President Johnson—are declared to be illegal, and, in effect, abolished and in place of them Congress has provided a military despotism. Certainly, if no valid State law protected these people, there was, at least, Federal law which ought to have protected them, for over every foot of that territory and every individual that inhabits it, the great fundamental law of the Constitution of the United States prevails in all its vigor, and gives to every one of them every privilege and every immunity which it extends to the American citizen anywhere and everywhere.

With the Constitution, then, fully in force over all that territory and all those people, where does Congress find its warrant for supplanting a legal State government with a military despotism? Where does Congress find its warrant, in time of peace, to suspend the *habeas corpus*, to take away the inestimable privilege of the trial by jury, to remove the civil officers of a State, and substitute Federal officers in their places; and, finally, to try, to condemn, to punish, to imprison, to hang these people for civil offences, or pretended offences, by the judgment of a military court? Where does Congress find its warrant in the Constitution to quit the domain of Federal law, and to make a constitution for a State by voters of its own creating—to pass a suffrage law for a State? Where does it find authority to say who shall vote and who shall not vote in State elections? Lastly, where does it find authority to make a new class of citizens, and to give to that class of citizens greater rights than were ever conferred before by the Constitution upon any class, and to take away from those who always enjoyed the rights of citizenship the most precious of those rights?

Gentlemen, I have been at the bar for nearly half a century, and have been a constant student, not only of the common law, but of our own constitutional law, and I do not hesitate to say that the whole of these reconstruction acts of Congress, from beginning to end—first, second, and third, in the series—are unconstitutional and void. There are times when to be silent is to be unfaithful. There are times when men *must* speak out. I will not attempt to school myself into reticence upon these great questions, and I could not if I would.

And now, my Democratic friends, you see the reason why I am here, and why your committee has confided in me so far as to ask me to respond to one of the sentiments on your programme. [Applause.] It is enough for me to know that, upon the great questions of the day, and upon the great issues that are to be fought during this year, we have at last come together. Twenty years ago, if I had been told that the time would come when I would take an active part in a Democratic celebration, that the time would come in which I should rejoice at a Democratic victory, I could scarcely have believed it possible. In those former contests I thought the Democratic party always wrong, and the Whig party always right. But, gentlemen, the issues of those days were not like those that are before us. Both parties fought under the Constitution, and as yet we had no party outside of the Constitution. Not so with this new and dangerous party that now confronts us, old Whigs and old Democrats, under the name of Radicals. The time has come when we must strike hands, and, shoulder to shoulder, face the common enemy. We must meet that enemy together and united, or the battle will be lost. [Cries of "We will," and great cheering.]

I see that a distinguished Senator from Indiana, a few days ago, in an address delivered in this city before the Soldiers' and Sailors' Union, volunteered to give a name to those who oppose the Congressional policy, and to state of what materials the party was composed, and to fix up the issues for which they were to contend in the approaching Presidential contest. As to the name, he gives it under an *alias*, as the Democratic or Conservative party; and he says it is composed of the Northern Democrats who sympathized with secession and rebellion, of the Southern rebels, and of a "few recruits from the Republican party." Now, if he means, as I suppose he does, that the recruits from the Republican party are those who voted with that party in the last Presidential election, how will the honorable Senator explain the last election which has taken place in Ohio, a State that lies so close to Indiana that he cannot fail to have heard the result? There were 93,000 Republican majority in that State in the Presidential election of 1864. There was only 3,000 Republican majority given in that State at the last election for Governor, in 1867; so that there were fully 45,000 recruits in that State

alone. But this is not all. To these 45,000 must be added 26,000 more who voted against the Republican party at the same election upon the vital question of universal negro suffrage. So that we have here somewhere about 70,000 recruits in one single State; and more than that, the recruiting service is still in full operation in that State, and every day is adding to its swelling numbers.

I have not time to enumerate the well-known result in other States which have recently held elections. We know that recruiting offices have been opened in California, in New Jersey, in Pennsylvania, in New York, in Connecticut, and even in Massachusetts, and that, in fact, the recruiting service is now in full operation all over the United States, and that the people are coming forward with the same alacrity to vote for the restoration of the Union as they did to fight for its restoration. [Hearty applause.]

Now, observe, gentlemen, that Senator Morton says this new party is composed of just three elements: the Northern Democrats, who sympathize with rebellion; the Southern rebels, and the recruits from the Republican party. Of course we must drop out the Southern rebel element in considering the results of the elections in the Northern States, leaving only, according to Senator Morton's classification, the Northern Democrats, who sympathized with secession, and the recruits from the Republican party. Now, if the Senator be right, and only a few recruits left the party, the 50,000 anti-Republican majority in New York must have been almost altogether carried by sympathizers with secession.

Surely the honorable Senator could scarcely mean this, unless, indeed, *he too* mean that not to vote the Republican ticket is to be a rebel and a secessionist.

The honorable Senator, however, does not stop with giving a name to the new party, and with stating its component parts, but he is kind enough to make up the issues upon which it is to contend in the approaching campaign. He says these issues will be: First, the payment of the rebel debt; second, payment for emancipated slaves; and, third, pensions for the widows and orphans of the rebel soldiers. I do not know by what authority the honorable Senator undertakes to make a platform for a party to which he does not belong. He is certainly very capable of making a platform for the party to which he does belong; but he fails to tell us what the platform of *his* party is to be. [Laughter.]

The platform which he projects for our party could not command a corporal's guard in any of the Northern States. It is upon no such issues as those that the great popular reactionary movement was begun last fall. The issues of 1863 will be the issues of 1867: 'The Constitution as it is: the limitation of Federal power within the just and well-defined boundaries of the Constitution; a restoration of all the States under the Constitution, and not outside of the Constitution; civil law instead of military law; free elections, and constitutions formed by the people of the States, and not by the people of the other States, whether in Congress or out of Congress. [Great cheering.]

## SPEECH OF HON. J. S. BLACK.

Hon. J. S. Black being called upon to respond, spoke as follows:

Mr. Chairman and Gentlemen: My modesty is a good deal shocked at being called upon to speak on this occasion before anybody else, except our greatly respected friend and excellent chairman. I suppose, however, that I am expected to say only the few words that are necessary to start the business of the evening. That is all I intend to do. There is no day in the year, except the Fourth of July, that ought to be kept so sacred as the 8th of January. [Applause.] And, except the Father of his Country, there is no name known among men that is entitled to a higher reverence than that of Andrew Jackson. [Applause.] I put Washington first because the place which he occupies in history, as the foremost man of all this world, has never been disputed. [Applause.] It was always admitted that he stood alone, without a peer among mortals. Competition gave way before the acknowledged greatness of his character, and rivalry itself conceded the palm to his pre-eminent virtue. I know

not how it may be with others, but his is a name which I never was able to pronounce without emotions of respect and reverence which I have no form of words to express.

But the reputation of Jackson has not been so fortunate. His life was one long battle with the enemies of constitutional freedom. [Applause.] They assailed him with every species of slander, and even at this day the foul birds that streamed around him in his lifetime, and others hatched in the same bad nest, light whenever they can upon his tombstone to defile his tomb with their obscene droppings. [Loud applause.] One of the most injurious of these aspersions is that by which the Radical party have attempted to make him authority for their own attempts to trample upon liberty and law. [Great applause.] If that be true; if he is authority for them; if he has set the example for their misconduct; if they are travelling upon a path which has one impress of his footstep, then he is wholly and utterly unworthy of the honor which the American people all through the country are



bestowing upon him at this moment. [Applause.] Then I give him up. He is their man; he is not ours. If General Jackson ever did anything in his life which can justify the murder, kidnapping, and robbery of innocent men and women; if he ever used military force for the purpose of enslaving any State, North or South, [applause;] if he ever used one atom of his powerful influence for the purpose of subjugating his fellow-citizens, or any portion of them, to the domination of a negro government, [cries of "good" and applause;] if there be one single act of his whole life that can be cited as an example for the coarse, cruel, and corrupt despotism which the Radicals have organized wherever and whenever they could, then he don't belong to our communion. [Applause.] In that case he is only fit to be set up in the heathen pagoda which despotism has established among us, as one of the divinities to be worshipped beside such Generals as Pope and Baker, [loud applause,] and others of that class, where the worshippers lay it down as part of their creed that the Constitution is "a league with hell and a covenant with death," where the high priests that minister at the altar have qualified themselves for holy orders by being hired delators and purjured witnesses, and where an act of worship which they offer consists in false affidavits against the honor and rights of innocent people.

Gentlemen, Sir Walter Raleigh once said that the greatest temptation to which a man could be subjected was the inclination to speak when the people listened; but it is not a very great temptation when they don't listen. [Applause and cries of "Go on."] Well, I will proceed. I am not here to pronounce any eulogy or to make any defence of General Jackson, but I do wish to refer to one passage in his life upon which the slander to which I have referred is based, if it be based upon anything. When General Jackson undertook the defence of the city of New Orleans, in the fall of 1814, he assumed a responsibility such as had rarely been taken by anybody in the world, and such as very few men except himself would have taken under such circumstances. The British army was 14,000 strong; composed of veterans, ably commanded, thoroughly trained, and fresh from the victorious battle-fields of the Spanish Peninsula. They had never known what it was to be defeated. No hostile army of equal strength had ever before landed in one body upon the American shores. To meet them General Jackson had half the number of raw levies, hastily collected from the plough and workshop, not organized; all of them imperfectly equipped, and some of them—a considerable number of them—not armed at all. With these fearful odds against him, he was required to hold possession of an unwallled and unfortified town, situate upon an open plain, accessible upon every side, and with absolutely no defences, natural or artificial, except what were to be erected upon the spur of the

occasion; and he had not the assistance of one experienced officer or engineer to aid him in putting up his field-works or mounting his guns.

This desperate game was to be played for a stake of the most stupendous magnitude. The possession of the whole valley of the Mississippi depended upon it; and if the city had been taken by assault, we shudder, even at this distance of time, to think what must have been its fate. The very troops that were then marching to the attack had committed the most atrocious cruelties only a few months before, at Badajos and St. Sebastian; and here again they were to be rewarded with *beauty* and *booty*. The defence seemed like a forlorn hope, without a particle of confidence in its success—no one had, except what was inspired by the courage, genius, and energy of their great commander. But he was a host in himself. They wisely determined that they would throw the whole responsibility upon him; that they would put their fate entirely in his hands, and they did so. Members of the Legislature, officers of the city corporation, and judges of the courts came and laid their powers at his feet, and voluntarily agreed that they would surrender and suspend their official functions until the danger was over. The whole population, with one voice, besought him that he would make the city a part of his camp, and take the absolute command upon himself of every human being within its limits. He did this at the universal request. He had a right to do it. It was proper that he should do it, for this simple and plain reason, that *the city was in a state of actual siege*. It was no fiction. His act bore no kind of resemblance to the wanton outrage of declaring martial law, which is no law at all, for the mere purpose of trampling down the law of the land at a place where there are no military operations going on. [Great applause.]

Jackson executed the authority thus bestowed upon him, not only moderately, but benignly. He gathered the people around him, and protected their rights to the whole extent that he was able to do so, consistently with their own good and proper defence of the place, as tenderly as a father would care for his children. But he didn't allow himself to be trifled with. And that brings me to the only fact in his whole life that has ever been criticised with reference to this point. A gentleman named Louallier, who had been a member of the Legislature, became, in the course of time, discontented. He was one of General Jackson's soldiers—that is, he had put himself under his command as much as any volunteer in his army. But he became restive, and, after a while, he published an address, and printed and circulated it over the city, in which he counselled disobedience to the General's orders. That was simply mutiny, and the punishment of mutiny was death. But General Jackson only confined him, declaring at the time his intention to



release him the very moment that he could do so with safety. Then came Judge Hall, another of his voluntary subordinates. He undertook to interfere with the discipline of General Jackson's camp, by issuing a *habeas corpus* for the body of the mutineer. The General, in order to save all trouble, sent the Judge four miles up the river, with directions that he should remain outside of his picket-lines until it should be known that the enemy had retired from the coast. When the great battle had been won, when the invader had been driven away, when the city was saved with all its beauty and its booty, then Judge Hall returned; and so soon as he got back he commenced a prosecution against General Jackson for—what do you think? Contempt of court!

The General thought that was very absurd. Nevertheless, although he had a victorious army at his back; although he was surrounded by a population that adored him as their great deliverer, he bowed his head to the lawful authorities of the country, as lowly as the humblest man in the nation. [Great applause.] He not only submitted to the legal process which was issued against him, but he gave to the Judge the assurance that the same arm which had defended the city against a foreign invader would defend him from the danger of a popular outbreak. [Applause.] He appeared before the court and made a defence which was worthy of his character as a lawyer, and perfectly consistent with his high renown as a statesman and a patriot. He pleaded that he was not and could not, be guilty of any contempt of court, because that court had, of its own accord, relinquished its authority during the siege, and had notified him of the fact. He said that even if his act was illegal, he had committed not a contempt of court, but a personal trespass against the Judge, and to this he was willing to respond in a personal action before a court of competent jurisdiction and an impartial jury. But he insisted that his adversary had no right to sit in judgment upon his own case. This defence was overruled by the Judge, and it was overruled in such manifest defiance of reason and justice, that the Judge would have been torn into pieces if General Jackson had not redeemed his promise to protect him. But he did. When the Judge faltered for fear of the indignation of the crowd with which he was surrounded, the General rose in the court and said, "Go on and perform what you think your duty." [Applause.] "I have fought for the liberties of this nation, and I will not permit the civil institutions of the country to be dishonored." [Applause.] The Judge fined him a thousand dollars, and then his friends flocked around him to pay the fine for him; but he declined all such offers. "No," said he, "I will not evade the decision of a lawful tribunal."

[Applause.] "I will pay the fine myself. It becomes me to suffer whatever has been inflicted, rightfully or wrongfully. And now," said he, "I am square with the law, even as Judge Hall expounded it."

Now, if General Jackson had systematized robbery and murder by means of military commissions, [applause and cries of "Good,"] if, instead of using his army to fight the common enemy, he had scattered his soldiers over the country, hundreds of miles away from his post, to kidnap his political opponents for expressing their honest convictions; if he had ordered an upright judge to be dragged from the bench by ruffians, beaten upon the head with the butt ends of their pistols, and carried away to prison, because he had administered justice according to law; and if, finally, he had established a military despotism upon the ruins of a free Government; then I admit that he would have been fair authority, and they might have quoted him as an example of their misdeeds. But in truth and in fact, General Jackson was one of the ablest and best defenders of the Constitution and the laws that the United States ever had. There never lived a man within the limits of this country who would go further to defend them, or more cheerfully shed his blood to save them from violation. [Applause.]

There are some persons here, I think, who not only know the character of General Jackson, but who have been intimately acquainted with him. I ask of such what they suppose General Jackson would have thought of our "*Bureau of Military Justice*," if such a bloody machine as that had been set up in his time. [Great applause and laughter.] I do not know; I can only conjecture; I think he would have shattered it into a thousand atoms with one blow of his ponderous hand, [applause;] and the first impulse of his noble and generous nature would have been to take that lawless crew by the throats and pitch them into the Potomac. [Applause.] I do not say he would have done it any more than our honored Chief Magistrate would. [Tremendous applause. Three cheers for the President.] Let me tell you the reason why I think he would not have done it. He was a perfectly law-abiding man. He would have waited his time. He would have curbed his fiery temper; he would have chastened down, (as he always did,) in a proper way his impetuous passions. But sooner or later he would have done what will be done yet. [Great applause.] He would have made those miscreants feel the majesty of legal justice;

The Spaniards have a proverb, that the mill of God grinds slowly, but it grinds dreadfully fine. [Laughter.] And now, don't you think the people of this country are about to let the water on? [Great laughter.]

I said that I had no eulogy or defence to make of General Jackson; but I do say now, in conclusion, that if the people of this country will appreciate his character truly, and remember well the lessons that his acts and his precepts have furnished them, they will have such a Government as that which he described in his protest to the Senate—not a despotism, surrounded by the pride, pomp, and circumstance of military show, but a quiet Government, which will protect their liberties and their rights, a Government distributing its blessings like the dews of Heaven, unseen and unfeigned, save in the beauty and freshness they contribute to produce. As long as we keep our eyes upon his history, as the pole-star by which we are to be guided, we will be wise; and whenever we quit it we will be otherwise. [Great applause.]



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